

# TOWN OF MAGNOLIA

## ARTICLE 1 GENERAL ORDINANCES

### Introduction

The herein ordinances of the Town of Magnolia are in accordance with Delaware State Statutes, Kent County Code Enforcement, and applicable Federal Laws, as enforceable and protected by the United States and Delaware Constitutions. That violation of any such laws enforceable within Kent County, State of Delaware, the United States Government and/or any Administrative Agency having subject matter jurisdiction shall hereby be adopted and enforceable by and through the Town of Magnolia.

### 101. Authority to Issue Summons

That the Town Solicitor, with the approval of the Mayor and/or Council, shall have the power to issue a summons within the Town of Magnolia for violation of any ordinance, law or code within the jurisdiction of the authority, and when necessary shall have the authority to solicit the assistance of any state or county law enforcement official. The Fire Chief of the Magnolia Volunteer Fire Company of the Town of Magnolia shall have the authority to issue a summons for any violation of the Town of Magnolia Fire Prevention Code, and when necessary may solicit the services of the State of Delaware Fire Marshal to enforce violations of the Delaware State Fire Code.

### 102. Failure to Answer Summons

Whoever fails to answer any summons to appear in any court of competent jurisdiction to answer for any violation of the ordinances of this town, after notice thereof is served personally, securely fastened to the motor vehicle of which such person is the owner or operator, or securely fastened in plain view to the main entrance of the residence of such violator, shall be fined for the first offense not less than \$25.00 nor more than \$50.00. For each subsequent offense, shall be fined no less than \$50.00 nor more than \$100.00 and all legal fees, or imprisoned not less than two days, nor more than 15 days or both.

### 103. Bail

In the event of an arrest for the violation of any section of the ordinances of this town, if the defendant is unable to give sufficient bail for a hearing or for his/her presence at court, the Town Solicitor, before whom such person is first taken, may accept as a forfeit, conditioned upon the defendant's appearance, a sum of money equal in amount to the maximum fine which could be imposed for the offense charged, and the court costs, or in lieu of such bail or forfeit may accept any article of sufficient value, or hold in custody a motor vehicle found in the possession of the defendant. Such Town Solicitor, after trial of the defendant, if such bail according to law has not been given in the meantime, shall make such

order as to the disposal of such motor vehicle or other articles as to seem just and proper, after giving sufficient notice by certified mail or publication if address is unknown.

**104: Appeal**

Any person convicted under the provisions of this ordinance shall have the right to appeal to the Superior Court, upon giving bond in the sum of \$500.00 to the State of Delaware with surety satisfactory to the Mayor, Town Solicitor, or Judge before whom such person was convicted, such appeal to be taken and bond given within 15 days from the time of conviction. Such appeal shall operate as a stay or supersede as of all proceedings in the court below in the same manner that a certiorari from the Superior Court operates.

**105. Repeal**

Any ordinance now existing in the Town of Magnolia which is inconsistent with any ordinance included herein is hereby repealed. The herein ordinance listing shall become in full affect upon adoption as regulated by and through the Laws of the State of Delaware and the Charter of the Town of Magnolia.

Effective July 2012